In the High Court of Judicature at Madras

Dated: 06.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM
and
The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Petition No.4130 of 2007
and MP.No.1 of 2007

G. Viswanathan ..Petitioner

..vs..

1.The Commissioner
Corporation of Chennai
Rippon Building
Chennai 600 003.

2.The Chairman
Tamil Nadu Electricity Board
No.800 Anna Salai
Chennai 600 002.

3.The Chairman
Chennai Metro Water Supply
and Sewerage Board
No.1 Pumping Station Road
Chennai 600 002.

4.The Tahsildar
Mylapore, Triplicane Taluk
Chennai. ..Respondents

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Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a writ of Mandamus directing the respondents to remove the encroachers from the Road called as "Sankaran Street/ Thiruvalluvarpettai Street" comprised in S.No.4092 in Mylapore Village, situate in Mandaveli, Mylapore-Triplicane Taluk, Chennai-28 and demolish the buildings constructed in the Road.

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For Petitioner : Mr. K. Premkumar

For Respondents : Mr. T. Mathi for R.1

Ms. Bhavani Subbarayan
Government Advocate for R.4

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ORDER

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is a resident and co-owner of the property bearing Old Door No.41, New Door No.61, Thiruvalluvarpettai Street, Mandaveli, Chennai-28, has filed the above writ petition to issue a writ of mandamus directing the respondents to remove the encroachers from the Road called as "Sankaran Street/ Thiruvalluvarpettai Street" comprised in S.No.4092 in Mylapore Village, situate in Mandaveli, Mylapore-Triplicane Taluk, Chennai-28 and demolish the buildings constructed in the Road.

2. On direction, Mr. T. Mathi, learned standing counsel for the Corporation of Chennai and Ms. Bhavani Subbarayan, learned Government Advocate takes notice for respondents 1 and 4 respectively.

3. It is brought to our notice that among the respondents, the first respondent is the authority concerned to consider the grievance of the petitioner. It is also brought to our notice that though the residents of Thiruvalluvarpettai Street made a representation as early as on 19.01.1999 to the Zonal Officer-X, Corporation of Chennai for removal of the encroachments in Sankaran Street/Thiruvalluvarpettai Street, till this date no action was taken. Further, the petitioner himself made another representation to the Commissioner, Corporation of Chennai and other two authorities on 31.01.2007, praying for action for removal of the encroachment from the road, viz., Sankaran Street/Thiruvalluvarpettai Street. The petitioner has also filed necessary proof that his representation was acknowledged by all the respondents, including the first respondent. In view of the same and considering the limited relief prayed for, we are of the view that ends of justice would be met by directing the first respondent, Commissioner, Corporation of Chennai to consider and dispose of the representation of the petitioner dated 31.01.2007, in accordance with law. It is made clear that if any action is to be taken against the encroachers, it is needless to mention that the first respondent is duty bound to take steps as per law.

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The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1.The Commissioner
Corporation of Chennai
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Chennai 600 003.

2.The Chairman
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4.The Tahsildar
Mylapore, Triplicane Taluk
Chennai.

+ 1 cc to Mr. K. Premkumar, Advocate, SR No.7205

+ 1 cc to Mr. T. Mathi, Advocate, SR No.6998

+ 1 cc to the Government Pleader, SR No.6919

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JSK(CO)
SR/14.2.2007

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